

REMARKS

Reconsideration of the Application is requested.

Claim Rejections - 35 USC § 112

"Claim 14 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, line 2, the phrase "such as" renders the claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired."

Applicant's Response

Claim 14 has been amended. The wording "such as" has been removed. Additionally, new claim 15 has been added to clearly set forth the patent protection desired.

Claim Rejections - 35 USC § 102

"Claims 1, 5 and 9 are rejected under 35 USC 102(b) as being anticipated by CH 682873 to Bapic.

Claim Rejections - 35 USC § 103

"Claims 13 and 14 are rejected under 35 USC 103(a) as being unpatentable over Bapic."

Applicant's Response

First of all, we would like to draw the Examiner's attention to the exact wording of claims 1 and 5 presently on file. Both claims explicitly refer to "*a plurality of mounting pins*" used for mounting the plurality of modules via assembly orifices (cf. claim 1, lines 2-3, and claim 5, line 26) and to "*a plurality of tube-shaped intermediate elements, or stepped tubed, mounted on said mounting pins*" (cf. claim 1, lines 6-7, and claim 5, lines 29-30). Such a distinction between "*mounting pins*" and "*stepped tubes mounted on the mounting pins*" is not at all disclosed or suggested in Bapic.

Bapic discloses a watch movement assembly including a plurality of plates (1, 2, 3 in the figures) stacked together so as to form a watch plate. A plurality of mounting studs (12, 13, 14, 15, 16, 27, 28, 29, 30) is effectively disclosed but the resulting assembly does not correspond to the assembly defined in the claims of the instant application. According to Bapic, the mounting studs are merely intended to position one plate with respect to the others, but riveting of the stacked assembly is performed on different points, namely points 25 and 26 as explicitly mentioned on column 2, lines 20 to 22, of Bapic.

Stud 27 was particularly referred to in support of the objections but Figure 2 of Bapic clearly shows that stud 27 merely passes through the orifices provided in plates 1 and 2. The same applies for studs 12, 13, 16 and 28-30, while stud 11 is merely mounted on plate 2 only. Studs 14 and 15 apparently exhibit a stepped configuration, but studs 14 and 15 are only inserted in the orifices provided in the plates 1-3.

Bapic effectively discloses an assembly wherein the plates are stacked and assembled by riveting but there is no indication or suggestion in the disclosure that the assembly is provided with means (i.e. the claimed stepped tubes) which allow account to be taken for variations in thickness of at least one of the plates and for ensuring that the assembly has a determined overall thickness, which is the objective of the present invention (cf. page 2, lines 3 to 7, of the instant application). According to Bapic, the assembled watch plate is formed of a plurality of individual plates 1-3 stacked together and which abut directly against each other. Figure 2 in particular clearly show that plates 1 and 2 abut directly against each other. There is no indication or suggestion in Bapic which would lead to a different interpretation.

It has to be stressed that the stepped tubes of the present invention have two functions, namely :

1. ensuring that the variations in the thickness of the module with non-guaranteed thickness (the so-called "first plate" in the claims) are absorbed ; and
2. ensuring that the module with non-guaranteed thickness is nevertheless kept in abutment in the assembly.

Both functions are fulfilled thanks to the stepped tubes as defined in the claims, wherein each stepped tube has :

i) first and second references surfaces (e.g. surfaces 81, 82 in Figure 3 of the instant application) separated by a determined distance (d1) greater than the thickness (e) of the element (e.g. PCB 34) with non-guaranteed thickness and against which the assembly is supported ; and

ii) a zone (85), between the first and second reference surfaces, allowing the element with non-guaranteed thickness to be kept in abutment in the assembly, the length (d2) of this zone being such that it allows variations in the thickness of the element with non-guaranteed thickness to be absorbed.

To some extent, Bapic effectively discloses mounting means exhibiting a stepped configuration, but there is however no indication or suggestion that this stepped configuration corresponds to that defined in the claims. In particular, there is no indication or suggesting in Bapic regarding any of the specific features (i) or (ii) listed above.

Accordingly, the invention as presently defined in the claims should clearly be regarded as being patentable over Bapic. We therefore respectfully request the Examiner to find the application to be in condition for allowance based on claims 1 to 15 as presently amended.

Conclusion

Applicant requests that this Amendment be entered and a Notice of Allowance be issued.

Respectfully submitted,

Date: February 25, 2004



**Richard K. Robinson (PTO Reg. No. 28,109)
Harry C. Post, III (PTO Reg. No. 26,019)
Attorneys for Applicant**

**Robinson & Post, L.L.P.
North Dallas Bank Tower, Suite 575
12900 Preston Road, LB-41
Dallas, Texas 75230
Tel: 972-866-7786
Fax: 972-866-7787**

02/27/2003 09:25

9728667787

ROBINSON POST

PAGE 11

TRANSMISSION VERIFICATION REPORT

TIME : 02/26/2003 15:32

DATE, TIME
FAX NO. /NAME
DURATION
PAGE(S)
RESULT
MODE

02/26 15:28
17038729306
00:03:49
10
OK
STANDARD
ECM